

Notice of Allowability

Application No.

09/934,862

Examiner

Kimberly D. Nguyen

Applicant(s)

BOONE ET AL.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed 9 April 2004.
2. ☒ The allowed claim(s) is/are 1-5 and 7-17.
3. ☒ The drawings filed on 01 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Amendment

1. Acknowledgement is made of Amendment filed 9 April 2004, and Terminal Disclaimer of prior U.S. patent No. 6,053,030 filed 24 June 2004.

Allowable Subject Matter

2. Claims 1-5 and 7-17 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The record of prior art fails to teach an accountability and identification system, including a plurality of touch sensors, each touch sensor including a memory and information stored in the memory; at least one of the touch sensors being a personal identification touch sensor having user information on a unique user stored in the memory; at least one of the touch sensors being a data touch sensor having user information on a unique group of users stored in the memory; and at least one instrument, each instrument including a receptacle adapted for momentarily receiving the personal identification touch sensor to read the user information stored therein, a microprocessor in electrical communication with the receptacle, the microprocessor having a memory portion for storing operating software and the user information read by the receptacle, and a display in electrical communication with the microprocessor, the display providing a visual indication of portions of the user information selected by the operating software.

Whalen, Jr. et al. (US 6,029,889; hereinafter "Whalen, Jr.") teaches an accountability and identification system, comprising: a memory and information stored in the memory, a bar-coded unique user information stored in the memory; at least one instrument including a receptacle adapted for momentarily receiving the personal identification to read the user information stored

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therein, a microprocessor in electrical communication with the receptacle, the microprocessor having a memory portion for storing operating software and the user information read by the receptacle, and a display in electrical communication with the microprocessor providing a visual indication of microprocessor, the portions of the user information selected by the operating software.

Campman (US 6,016,099) teaches automatically active personal alert safety system for accounting for firefighters at a fire scene and also assuring that a firefighter has his pass device turned on automatically.

Stumberg et al. (US 5,689,234; hereinafter "Stumberg") teaches a system allowing firefighter to monitor a variety of safety related parameters during firefighting activities through audible and/or visual means.

However, Whalen, Jr., Campman, and Stumberg, taken alone or in combination thereof, fails to teach an accountability and identification system, including a plurality of touch sensors having information stored therein; at least one of the touch sensors being a personal identification touch sensor having user information on a unique user stored in the memory; at least one of the touch sensors being a data touch sensor having user information on a unique group of users stored in the memory as set forth in the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

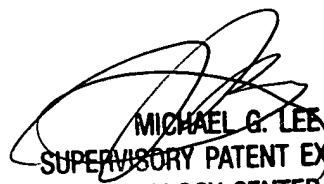
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KDN
24 June 2004



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